

REGULATIONS

What regulations exist under the Marine Mammal Protection Act for recreational fishermen regarding marine mammals?

All marine mammals are protected under the Marine Mammal Protection Act (MMPA) of 1972, regardless of whether they are endangered, threatened, or depleted. The MMPA prohibits the “take” of all marine mammal species in U.S. waters. Take is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.”

Pursuant to regulation, take is further defined to include “feeding or attempting to feed a marine mammal in the wild.” Feeding is defined by regulation as “offering, giving, or attempting to give food or non-food items to marine mammals in the wild. It includes operating a vessel or providing other platforms from which feeding is conducted or supported. It does not include the routine discard of bycatch during commercial fishing operations or the routine discharge of waste or fish byproducts from fish processing plants or other platforms if the discharge is otherwise legal and is incidental to operation of the activity.”

Harassment is also defined by regulation, and means “any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild” or “any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.”

Therefore, feeding wild dolphins, as well as other activities that harass wild dolphins, are violations of the MMPA and regulations promulgated there under.

The Marine Mammal Protection Act and the regulations enacted under it apply to everyone. Under the Marine Mammal Protection Act, violations can result in civil or criminal penalties with criminal fines as great as \$20,000, imprisonment for not more than one year, or both.

For more information about the MMPA, visit: www.nmfs.noaa.gov/pr/laws/mmpa/.

Do federal regulations protecting wild dolphins apply in state waters?

Yes. Wild dolphins are protected species under the Marine Mammal Protection Act (MMPA). Federal regulations under the MMPA, including those that prohibit the feeding and other forms of taking of wild dolphins, apply in both state and federal waters.

For more information about the MMPA, visit: www.nmfs.noaa.gov/pr/laws/mmpa/.